

Kevin C. Brague, OSB No. 050428

kevin@braguelawfirm.com

THE BRAGUE LAW FIRM

4504 S. Corbett Avenue, Suite 250

Portland, Oregon 97239

t: 503.922.2243

f: 503.296.2046

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ALEXANDRA BOOT, an individual,

Plaintiff,

v.

LAKE OSWEGO 7J SCHOOL DISTRICT,
an Oregon public corporate entity by and
through the Board of Directors of Lake Oswego
7J School District;

Defendant.

Case No. 3:23-CV-00480

**DECLARATION OF TIM BOOT IN
SUPPORT OF MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

I, Tim Boot, under penalty of perjury, do hereby state and declare as follows:

1. I am over the age of 18, am competent and I make the following statements which are true and based upon my personal knowledge and observation.
2. Alexandra Boot is my daughter and was attending Lake Oswego High School (“LOHS”) within the Lake Oswego School District (“LOSD”) as a senior. She was expected to graduate in June, 2023. She was admitted to Oregon State University to begin college this Fall.
3. On October 24, 2022 my daughter informed my wife and I that she was raped in August 2022 by a fellow student who attends LOHS.

4. On October 25, 2022 I called Lake Oswego High School (LOHS) asking to talk with the principal, the principal never returned the call. I then drove to the school and spoke with Ryan Rosenau and explained to him what happened to my daughter. He called School Safety Officer Bryan Sheldon, who advised we get a restraining order.

5. That week we learned that we could not get a restraining order because the young man was under the age of 18.

6. My daughter stopped attending school at this time due to the trauma surfacing.

7. On November 7, 2022 I met with LOHS Administrator Ryan Rosenau to discuss a safety plan. I requested that the male student that raped my daughter be transferred to Lakeridge High School or to an alternative education program. LOHS never responded to this request.

8. Attached as Exhibit 1 the Safety Plan created by Ryan Rosenau. I understand this Safety Plan was given and explained to the offending male student. The Safety Plan contains the specific admonition to adhere to the safety plan with fidelity and failure to follow it will result in discipline up to and including expulsion.

9. After this Safety Plan was created, my daughter returned to school.

10. In February, 2023 my daughter reported that C.T., the offending student, was not following the Safety Plan. I picked my daughter up from school and took her home, and she did not return to school that week.

11. On February 10, 2023 I met with Administrator Ryan Rosenau to discuss a new safety plan and during this meeting he apologized for failing to update the safety plan for the new semester term.

12. Attached as Exhibit 2 is the updated Safety Plan.

13. On March 13, 2023 I again meet with Administrator Ryan Rosenau and he suggests and update to the Safety Plan. Rosenau tells me that the Safety Plan is not designed to address my daughter's triggers (i.e. trauma on seeing her rapist in close proximity). Rosenau tells me that they will not remove an admitted rapist from the school, and that my daughter could leave LOHS (dropout), transfer to Lakeridge High School, or go to LOSD's alternative school. I asked that the student who raped me be expelled because of his violations of the Safety Plan.

14. Administrator Ryan Rosenau confirms that the offending male student was violating the safety plan.

15. To my knowledge no discipline or adverse action is taken against the offending male student for violating the Safety Plan. He has not been transferred to Lakeridge High School or alternative education program.

16. As of March 13, 2023 my daughter could no longer attend LOHS because of the trauma of seeing her rapist in close proximity and the failure of LOSD's administration to create a safe school environment.

I hereby declare under penalty of perjury that the foregoing is true and correct.

DATED this 3rd day of April, 2023.

By _____
Tim Boot

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF TIM BOOT IN SUPPORT OF MOTION FOR TRO AND PRELIMINARY INJUNCTION on the party listed below by the following indicated method or methods:

Dr. Jennifer Schiele, Superintendent
schielej@loswego.k12.or.us
Lake Oswego School District
2455 Country Club Road
Lake Oswego, OR 97034

Ms. Nancy J Hungerford, OSB 812685
nancy@hungerfordlaw.com
The Hungerford Law Firm LLP
653 S Center St
PO Box 3010
Oregon City OR 97045
T: 503 781-3458
F: 503 650-4961
Attorney for Defendant

[] by electronic means through the U.S. District Court, District of Oregon's CM/ECF document filing system.

[X] by mailing a full, true and correct copy thereof in a sealed, first-class postage paid envelope, addressed to the address as shown above, with the U.S. Postal Service at Portland, Oregon, on the date set forth below.

[X] by causing a full, true, and correct copy thereof to be hand-delivered to the attorney at the attorney's last known office address listed above on the date set forth below.

[X] by emailing a full, true, and correct copy thereof to the attorney at the fax number shown above, which is the last-known fax number for the attorney's office, on the date set forth below.

DATED this 3rd day of April, 2023.

/s/ Kevin Brague
Kevin C. Brague, OSB No. 050428